

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ALTMIRE). Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Illinois, the whole number of the House is 430.

## RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE OF REPRESENTATIVES

Mr. PRICE of Georgia. Mr. Speaker, pursuant to clause 2(a)1 of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

### H. RES.—

Whereas in an interview published by National Journal Magazine on March 7, 2008, John Brennan, a foreign policy adviser to Sen. Barack Obama (D-IL) and former CIA official who once served as head of the National Counterterrorism Center, stated, "There is this great debate over whether or not the telecom companies should in fact be given immunity for their agreement to provide support and cooperate with the government after 9/11 . . . I do believe strongly that they should be granted that immunity, because they were told to do so by the appropriate authorities that were operating in a legal context, and so I think that's important . . . And I know people are concerned about that, but I do believe that's the right thing to do . . . I do believe the Senate version of the FISA bill addresses the issues appropriately;";

Whereas a bipartisan group of 25 state attorneys general recently wrote a letter to House of Representatives leaders in support of the Senate bill's passage, stating in part "A bipartisan majority of the United States Senate recently approved S. 2248 . . . But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. . . . With S. 2248 still pending in the House of Representatives, our national security is in jeopardy;";

Whereas Ret. Admiral Bobby R. Inman, former director of the National Security Agency and deputy director of the CIA told the Austin-American Statesman last month that Americans are more vulnerable without the Protect America Act and "the only way for the country to prevent future terrorists attacks is to increase its ability to eavesdrop on their communication;";

Whereas Glenn Sulmasy, a Harvard national security expert, wrote in the February 15 edition of The Tampa Tribune that "the global technologies of cell phones, computers, the internet, and other such means of communication—which were not, and could not have been, envisioned by the drafters of FISA in the 1970s—have changed the way information moves around the world. . . . Herein lie the gaps meant to be filled" by the Protect America Act of 2007;

Whereas in its bipartisan findings the Senate Select Committee on Intelligence concluded in Oct. 2007 that "electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful;";

Whereas 20 Senate Democrats supported final passage of S. 2248, including Senate In-

telligence Chairman Jay Rockefeller (D-WV) and Kent Conrad (D-ND), Chairman of the Senate Budget Committee;

Whereas on February 12, 2008, after passage of S. 2248, the Senate amended the bill H.R. 3773 with the text of S. 2248 and sent the amended bill back to the House of Representatives for its consideration;

Whereas Sen. Kent Conrad (D-ND) wrote in a Feb. 28 letter to the editor of The Fargo Forum, "The FISA law needed reform to account for modern information technology, current patterns of communication and the nature of the threats facing our country. . . . [The bipartisan Senate bill] does include strong privacy safeguards and considerable judicial oversight to ensure that our fundamental freedoms are protected. . . . Leaving [telecommunications companies] completely subject to civil litigation could cause problems in vital intelligence collection in the future;";

Whereas 21 House of Representatives Democrats expressed support for the bipartisan Senate FISA bill in a Jan. 28 letter to Speaker Pelosi stating that, "we have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk;";

Whereas in an editorial published by the Charleston Post and Courier on February 29, 2008, House of Representatives Democrat leadership was described as "indeed causing a potentially dangerous gap in the nation's defenses" and "creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity;"; and

Whereas the failure of the House of Representatives to expeditiously consider the bipartisan Senate-passed Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 has brought discredit to the House of Representatives: Now, therefore, be it

*Resolved*, That the House of Representatives should immediately consider a motion to concur in the Senate amendment to the bill, H.R. 3773.

□ 1645

The SPEAKER pro tempore. The gentleman may offer his resolution.

Mr. PRICE of Georgia. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution just noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

### H. RES.—

Whereas in an interview published by National Journal Magazine on March 7, 2008, John Brennan, a foreign policy adviser to Sen. Barack Obama (D-IL) and former CIA official who once served as head of the National Counterterrorism Center, stated, "There is this great debate over whether or not the telecom companies should in fact be given immunity for their agreement to provide support and cooperate with the government after 9/11 . . . I do believe strongly that they should be granted that immunity, because they were told to do so by the appropriate authorities that were operating in a legal context, and so I think that's important . . . And I know people are concerned about that, but I do believe that's the right thing to do . . . I do believe the Senate version of the FISA bill addresses the issues appropriately;";

Whereas a bipartisan group of 25 state attorneys general recently wrote a letter to

House of Representatives leaders in support of the Senate bill's passage, stating in part "A bipartisan majority of the United States Senate recently approved S. 2248 . . . But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. . . . With S. 2248 still pending in the House of Representatives, our national security is in jeopardy;";

Whereas Ret. Admiral Bobby R. Inman, former director of the National Security Agency and deputy director of the CIA told the Austin-American Statesman last month that Americans are more vulnerable without the Protect America Act and "the only way for the country to prevent future terrorists attacks is to increase its ability to eavesdrop on their communication;";

Whereas Glenn Sulmasy, a Harvard national security expert, wrote in the February 15 edition of The Tampa Tribune that "the global technologies of cell phones, computers, the internet, and other such means of communication—which were not, and could not have been, envisioned by the drafters of FISA in the 1970s—have changed the way information moves around the world. . . . Herein lie the gaps meant to be filled" by the Protect America Act of 2007;

Whereas in its bipartisan findings the Senate Select Committee on Intelligence concluded in Oct. 2007 that "electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful;";

Whereas 20 Senate Democrats supported final passage of S. 2248, including Senate Intelligence Chairman Jay Rockefeller (D-WV) and Kent Conrad (D-ND), Chairman of the Senate Budget Committee;

Whereas on February 12, 2008, after passage of S. 2248, the Senate amended the bill H.R. 3773 with the text of S. 2248 and sent the amended bill back to the House of Representatives for its consideration;

Whereas Sen. Kent Conrad (D-ND) wrote in a Feb. 28 letter to the editor of The Fargo Forum, "The FISA law needed reform to account for modern information technology, current patterns of communication and the nature of the threats facing our country. . . . [The bipartisan Senate bill] does include strong privacy safeguards and considerable judicial oversight to ensure that our fundamental freedoms are protected. . . . Leaving [telecommunications companies] completely subject to civil litigation could cause problems in vital intelligence collection in the future;";

Whereas 21 House of Representatives Democrats expressed support for the bipartisan Senate FISA bill in a Jan. 28 letter to Speaker Pelosi stating that, "we have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk;";

Whereas in an editorial published by the Charleston Post and Courier on February 29, 2008, House of Representatives Democrat leadership was described as "indeed causing a potentially dangerous gap in the nation's defenses" and "creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity;"; and

Whereas the failure of the House of Representatives to expeditiously consider the bipartisan Senate-passed Foreign Intelligence Surveillance Act of 1978 Amendments Act of

2008 has brought discredit to the House of Representatives: Now, therefore, be it

*Resolved*, That the House of Representatives should immediately consider a motion to concur in the Senate amendment to the bill, H.R. 3773.

The SPEAKER pro tempore. Does the gentleman from Georgia wish to be heard on whether or not the resolution constitutes a question of the privileges of the House?

Mr. PRICE of Georgia. I do.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. PRICE of Georgia. Mr. Speaker, we are now 25 days into a unilateral disarmament, a disarmament that doesn't make any sense to our constituents in each and every district across this Nation.

The Senate voted 68-29, 68-29.

Mr. HOYER. Mr. Speaker, the issue that the gentleman needs to address himself to is why this is a privilege of the House. I suggest that the Speaker make sure he is talking to that point.

The SPEAKER pro tempore. The gentleman from Maryland is correct. The gentleman from Georgia may only address the rule IX issue.

Mr. PRICE of Georgia. Mr. Speaker, I would draw my colleague's attention to the context in the stated "whereas" that on at least one occasion, if not countless others across this Nation, in the Charleston Post and Courier, it was written that the House of Representatives' Democrat leadership was described as "indeed causing a potentially dangerous gap in the Nation's defenses" and "creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity."

There have been multiple articles and multiple references across this Nation as to why this House of Representatives is bringing discredit to the House and also not fulfilling its responsibility, in fact, abrogating its responsibility and its duty. An abrogation of duty by this House of Representatives brings discredit to the House, and, therefore, this is a question of privilege.

The SPEAKER pro tempore. The Chair is prepared to rule.

Under the precedents recorded in section 702 of the House Rules and Manual, the resolution addresses a legislative sentiment and not a question of the privileges of the House.

Mr. PRICE of Georgia. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 192, answered "present" 1, not voting 18, as follows:

[Roll No. 116]

AYES—218

Abercrombie	Green, Gene	Obey
Ackerman	Grijalva	Olver
Allen	Gutierrez	Ortiz
Altmire	Hall (NY)	Pallone
Andrews	Hare	Pascarell
Arcuri	Harman	Pastor
Baca	Hastings (FL)	Paul
Baird	Herseth Sandlin	Payne
Baldwin	Higgins	Perlmutter
Bean	Hill	Peterson (MN)
Becerra	Hinchey	Pomeroy
Berkley	Hinojosa	Price (NC)
Berman	Hirono	Rahall
Berry	Hodes	Reyes
Bishop (GA)	Holden	Richardson
Bishop (NY)	Holt	Rodriguez
Blumenauer	Honda	Ross
Boren	Hoyer	Rothman
Boswell	Inslee	Roybal-Allard
Boucher	Israel	Ruppersberger
Boyd (FL)	Jackson (IL)	Ryan (OH)
Boyd (KS)	Jackson-Lee	Salazar
Brady (PA)	(TX)	Sánchez, Linda
Braley (IA)	Jefferson	T.
Butterfield	Johnson (GA)	Sanchez, Loretta
Capps	Johnson, E. B.	Sarbanes
Capuano	Jones (OH)	Schakowsky
Cardoza	Kagen	Schiff
Carnahan	Kanjorski	Schwartz
Carney	Kaptur	Scott (GA)
Castor	Kennedy	Scott (VA)
Chandler	Kildee	Serrano
Clarke	Kind	Sestak
Clay	Klein (FL)	Shea-Porter
Cleaver	Kucinich	Sherman
Clyburn	Langevin	Shuler
Cohen	Larsen (WA)	Sires
Conyers	Larson (CT)	Skelton
Cooper	Lee	Slaughter
Costa	Levin	Smith (WA)
Costello	Lewis (GA)	Snyder
Courtney	Lipinski	Solis
Cramer	Loebback	Space
Crowley	Lofgren, Zoe	Spratt
Cuellar	Lowe	Stark
Cummings	Lynch	Stupak
Davis (AL)	Mahoney (FL)	Sutton
Davis (CA)	Maloney (NY)	Tanner
Davis (IL)	Markey	Tauscher
DeFazio	Marshall	Taylor
DeGette	Matheson	Thompson (CA)
Delahunt	Matsui	Tierney
DeLauro	McCarthy (NY)	Towns
Dicks	McCollum (MN)	Tsongas
Dingell	McDermott	Udall (CO)
Doggett	McGovern	Udall (NM)
Donnelly	McIntyre	Van Hollen
Doyle	McNerney	Velázquez
Edwards	McNulty	Visclosky
Ellison	Meek (FL)	Walz (MN)
Emanuel	Meeks (NY)	Wasserman
Engel	Melancon	Schultz
Eshoo	Michaud	Waters
Etheridge	Miller (NC)	Watson
Farr	Mollohan	Watt
Fattah	Moore (KS)	Waxman
Filner	Moore (WI)	Weiner
Foster	Moran (VA)	Welch (VT)
Frank (MA)	Murphy (CT)	Wexler
Giffords	Murphy, Patrick	Wilson (OH)
Gillibrand	Murtha	Wu
Gonzalez	Nadler	Wynn
Gordon	Napolitano	Yarmuth
Green, Al	Neal (MA)	

NOES—192

Aderholt	Blunt	Burgess
Akin	Boehner	Burton (IN)
Alexander	Bonner	Buyer
Bachmann	Bono Mack	Calvert
Bachus	Boozman	Camp (MI)
Barrett (SC)	Boustany	Campbell (CA)
Barrow	Brady (TX)	Cannon
Bartlett (MD)	Broun (GA)	Cantor
Barton (TX)	Brown (SC)	Carter
Biggart	Brown, Corrine	Castle
Bilbray	Brown-Waite,	Chabot
Bilirakis	Ginny	Coble
Blackburn	Buchanan	Cole (OK)

Conaway	Johnson, Sam	Porter
Crenshaw	Jones (NC)	Price (GA)
Cubin	Jordan	Putnam
Culberson	Keller	Radanovich
Davis (KY)	King (IA)	Ramstad
Davis, David	King (NY)	Regula
Davis, Lincoln	Kingston	Rehberg
Davis, Tom	Kirk	Reichert
Deal (GA)	Kline (MN)	Renzi
Dent	Knollenberg	Reynolds
Diaz-Balart, L.	Kuhl (NY)	Rogers (AL)
Diaz-Balart, M.	LaHood	Rogers (KY)
Doolittle	Lamborn	Rogers (MI)
Drake	Lampson	Rohrabacher
Dreier	Latham	Roskam
Duncan	LaTourette	Royce
Ehlers	Latta	Ryan (WI)
Emerson	Lewis (CA)	Sali
English (PA)	Lewis (KY)	Saxton
Everett	Linder	Schmidt
Fallin	LoBiondo	Sensenbrenner
Feeney	Lucas	Sessions
Ferguson	Lungren, Daniel	Shadegg
Flake	E.	Shays
Forbes	Mack	Shimkus
Fortenberry	Manzullo	Shuster
Fossella	Marchant	Simpson
Fox	McCarthy (CA)	Smith (NE)
Franks (AZ)	McCaul (TX)	Smith (NJ)
Frelinghuysen	McCotter	Smith (TX)
Gallagher	McCrery	Stearns
Garrett (NJ)	McHenry	Sullivan
Gerlach	McHugh	Terry
Gilchrest	McKeon	Thornberry
Gingrey	McMorris	Tiahrt
Gohmert	Rodgers	Tiberi
Goode	Mica	Turner
Goodlatte	Miller (FL)	Upton
Granger	Miller (MI)	Walberg
Graves	Miller, Gary	Walden (OR)
Hall (TX)	Moran (KS)	Walsh (NY)
Hastings (WA)	Murphy, Tim	Wamp
Hayes	Musgrave	Weldon (FL)
Heller	Myrick	Weller
Hensarling	Neugebauer	Westmoreland
Herger	Nunes	Whitfield (KY)
Hobson	Pearce	Wilson (NM)
Hoekstra	Petri	Wilson (SC)
Hulshof	Pickering	Wittman (VA)
Hunter	Pitts	Wolf
Inglis (SC)	Platts	Young (AK)
Issa	Poe	Young (FL)

ANSWERED "PRESENT"—1

Johnson (IL)

NOT VOTING—18

Bishop (UT)	Mitchell	Ros-Lehtinen
Capito	Oberstar	Rush
Ellsworth	Pence	Souder
Hooley	Peterson (PA)	Tancred
Kilpatrick	Pryce (OH)	Thompson (MS)
Miller, George	Rangel	Woolsey

□ 1718

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008 VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is, will the House, on reconsideration, pass the bill, the objections